

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JAN 05 2006

JOHN P. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

CHARLES GILMAN LOWRY

and

CHARLES MONROE GROOMS, JR.,

Defendants.

CRIMINAL CASE No. 6:05-CR-00010

ORDER

JUDGE NORMAN K. MOON

This matter is currently before the Court on Defendant Charles Lowry's December 12, 2005 Motion to Dismiss Superceding Indictment. In a December 20, 2005 motion, Co-Defendant Charles Grooms adopted Lowry's motion and requested the dismissal of additional counts. Grooms also filed a December 28, 2005 motion to sever Counts Four and Fourteen.

For the reasons stated in the accompanying memorandum opinion, Lowry's motion to dismiss is DENIED in its entirety; Grooms' motion to dismiss is GRANTED with respect to Count Fourteen and is otherwise DENIED; and Grooms' motion to sever Count Four is GRANTED. Count Sixteen shall also be SEVERED because it was misjoined.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a copy of this Order to all counsel of record.

ENTERED: *[Signature]*

U.S. District Judge

Date

January 5, 2006